

APPEAL NO. 020455
FILED APRIL 10, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 4, 2002. The hearing officer determined that the appellant's (claimant) impairment rating (IR) is 13%, as certified by the designated doctor. The claimant appealed, urging that the hearing officer's determination is against the great weight and preponderance of the evidence. The respondent (self-insured) filed a response, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____, and that Dr. C was selected by the Texas Workers' Compensation Commission (Commission) as the designated doctor to assess the claimant's date of maximum medical improvement (MMI) and IR. The parties did not dispute that the date of MMI is March 21, 2001. A Report of Medical Evaluation (TWCC-69) dated May 23, 2001, shows that Dr. C certified that the claimant reached MMI on March 21, 2001, with a 13% IR. The claimant contends that her IR should be 18%, as determined by three doctors. However, the record contains evidence of a carrier doctor assigning an 18% IR and of the treating doctor's concurring with that IR. The evidence reflects that Dr. C twice examined the claimant and twice invalidated most of the range of motion.

The hearing officer did not err in determining that the claimant's IR is 13%, as certified by Dr. C. Section 408.125(e) provides that the report of the designated doctor has presumptive weight and that the Commission shall base its determination of the IR on such report unless it is contrary to the great weight of the other medical evidence. The hearing officer found that the designated doctor's report is not contrary to the great weight of the other medical evidence and, accordingly, based the IR determination on that report. The hearing officer is the sole judge of the weight and credibility to be given the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). We are satisfied that the challenged determination of the hearing officer is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**JG
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Philip F. O'Neill
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Michael B. McShane
Appeals Judge